

17 MAR 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

QUINE INTELLECTUAL PROPERTY  
LAW GROUP, P.C.  
P O BOX 458  
ALAMEDA CA 94501

In re Application of	:	
LEE, Luke P., et al.	:	
Application No.: 10/598,830	:	DECISION
PCT No.: PCT/US2005/008349	:	
Int. Filing Date: 14 March 2005	:	ON PETITION UNDER
Priority Date: 12 March 2004	:	
Docket No.: 313S-300811US	:	37 CFR 1.47(a)
For: METHODS AND APPARATUS FOR	:	
INTEGRATED CELL HANDLING	:	
AND MEASUREMENTS	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 26 January 2010.

**BACKGROUND**

On 24 September 2009, the Office mailed Decision On Petition, dismissing applicant's petition under 37 CFR 1.47(a).

On 26 January 2010, applicants filed this renewed petition under 37 CFR 1.47(a), accompanied by the fee for a two month extension of time.

**DISCUSSION**

Previously, applicants had two non-signing inventors. Applicants have now furnished a signed declaration from Jeonggi Seo. This petition is now moot as to him.

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1) and (3) have been met. The petition fee has been paid. Applicant states the last known address of Luke P. Lee as 5 Meadow Court; Orinda, CA 94563.

Item (2) has been satisfied. Mr. Lee was presented with a declaration and copy of the application, but refuses to sign the declaration.

Item (4) has not been satisfied. A review of the declaration of the inventors reveals non-initialed, non-dated alterations made in ink to the information of Robin Shaw. MPEP 605.04(a). A new oath or declaration from Robin Shaw is required.

### **CONCLUSION**

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292  
Facsimile: 571-273-0459